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VIA ECF

April 18 2016

Hon. P. Kevin Castel  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: United States v. Scott Tucker, et al. 16 Cr 0091

Dear Judge Castel:

The above-captioned case is scheduled for a status conference on April 22, 2016. I write now to report on two significant developments since we were last before the Court.

First, on March 4, 2016, the government produced a hard drive containing approximately 750 GB of data. The hard drive contains approximately 3,000,000 documents that we need to review, exceeding 5,000,000 pages in total. (These estimates do not include certain zip files that cannot readily be reviewed.) On April 5, 2016, the government produced three CDs containing an additional 20,000 pages of material. Suffice it to say, reviewing this material will be a substantial and costly undertaking.

Second, on March 31, 2016, the Federal Trade Commission ("FTC") obtained a preliminary injunction that imposes an asset freeze on all the real and personal property of Scott Tucker and his wife, Kim Tucker. See FTC v. AMG Services, et al., D. Nev. 2:12-CV-00536-GMN-VCF, Dkt. No. 30. A copy of that asset freeze order is attached to this letter. The freeze order, which was requested well before the indictment was returned, has the effect of restraining the funds held by counsel the purpose of defending this case. It has caused the defense to come to a standstill. On April 1, 2016, for example, the vendor tasked with processing the discovery material was directed to stop work because the freeze order precludes payment to it.

We are negotiating with the FTC and the government to release funds so that we can continue to defend this case. No resolution has yet been reached. We will provide the Court



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with an update at the April 22 conference, but thought it wise to alert the Court to the issue in advance.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "P. Shechtman".

Paul Shechtman

PS/wr

cc: AUSA Niketh Velamoor  
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